

3/09/07 2:00:25 SS  
BK 553 PG 442  
DESDOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

Current Borrower: Phillip L. Schwartz  
Client Loan Number: 1224052  
B&H File Number: 240285  
VA/FHA/PMI Number: 6672703fl  
Loan Type: FHA  
Property Address: 1542 Vicksburg Drive, Southaven, MS 38671

Indexing Instructions: LOT 61, SECTION A, SOUTHAVEN SUBDIVISION, LOCATED IN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 8 WEST

### **SUBSTITUTE TRUSTEE'S DEED**

Grantor: April L. Gremillion, Substitute Trustee  
Grantee: COUNTRYWIDE HOME LOANS, SERVICING LP

WHEREAS, on October 31, 1997, Phillip L. Schwartz and Patricia G. Schwartz, husband and wife, executed a deed of trust to Brenda Jones, Trustee for the benefit of Countrywide Home Loans, Inc., which deed of trust is recorded in Deed of Trust Book 947 at Page 683 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to COUNTRYWIDE HOME LOANS, SERVICING LP, by instrument dated September 14, 2006, and recorded in Book 2568 at Page 164 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, COUNTRYWIDE HOME LOANS, SERVICING LP, the holder of said deed of trust and the note secured thereby, substituted April L. Gremillion or Zachary A. Copp or James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated November 6, 2006, and recorded in the office of the aforesaid Chancery Clerk in Book 2610 at Page 494; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, COUNTRYWIDE HOME LOANS, SERVICING LP, having requested the undersigned Substitute Trustee to execute the trust and sell land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on February 23, 2007, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse at Desoto, County of Desoto, State of Mississippi;

BH # 240285/457

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WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

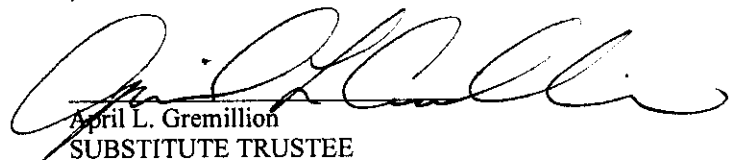
WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter-named grantee a bid of \$70,330.21, which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey unto COUNTRYWIDE HOME LOANS, SERVICING LP the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

LOT 61, SECTION A, SOUTHAVEN SUBDIVISION, LOCATED IN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 8 WEST, A SHOWN ON PLAT OF SAID SUBDIVISION OF RECORD IN PLAT BOOK 2, PAGES 4-5, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT.

Also known as 1542 Vicksburg Drive, Southaven, MS 38671

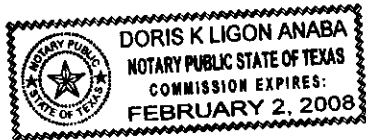
I hereby convey only such title as is vested in me as Substitute Trustee. WITNESS MY SIGNATURE, this, the 23 day of February, 2007.

  
 April L. Gremillion  
 SUBSTITUTE TRUSTEE  
 Butler & Hosch, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 Telephone No.:(972) 233-2500

STATE OF TEXAS                    )  
   )   ACKNOWLEDGMENT  
 COUNTY OF DALLAS                )

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, April L. Gremillion, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 23<sup>RD</sup> day of FEBRUARY, 2007.



*Doris K Ligon Anaba*  
 Notary Public

My Commission Expires: 2/2/2008

GRANTOR'S NAME, ADDRESS AND PHONE NUMBER:

April L. Gremillion  
 Butler & Hosch, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 (972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address):

COUNTRYWIDE HOME LOANS, SERVICING LP  
 %Countrywide Home Loans, Inc.  
 7105 Corporate Drive  
 MS PTX-B-35  
 Plano, TX 75024  
 (972) 526-6932

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO:

Amie Oppenheimer  
 Butler & Hosch, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 (972) 233-2500

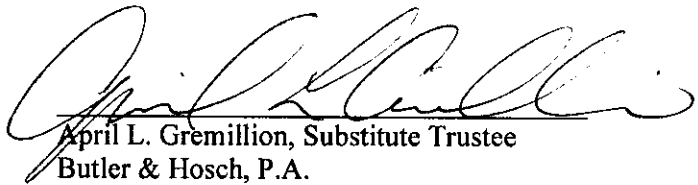
Current Borrower: Phillip L. Schwartz  
Client Loan Number: 1224052  
B&H File Number: 240285  
VA/FHA/PMI Number: 667270311  
Loan Type: FHA  
Property Address: 1542 Vicksburg Drive, Southaven, MS 38671

### **MEMORANDUM OF SALE**

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints \_\_\_\_\_, to serve as auctioneer for the purpose of conducting the foreclosure sale more particularly described below. This appointment is subject to completion of a satisfactory title examination (including a search for Federal Liens) and the performance of all duties in conformity with Trustee's instructions. All third party bids are subject to confirmation by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property from auction prior to final sale. All sales are subject to review and confirmation by the Trustee, prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline to convey the subject property due to mistake (including but not limited to an error in the bid amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property or the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

WITNESS MY SIGNATURE, on this 20 day of February, 2007.

  
 April L. Gremillion, Substitute Trustee  
 Butler & Hosch, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 Telephone No.: (972) 233-2500

**RESULTS OF SALE:**

DEED OF TRUST FORECLOSED: BOOK 947 PAGE 683

DATE & TIME OF SALE: February 23, 2007, AT 2:10 A.M./P.M.

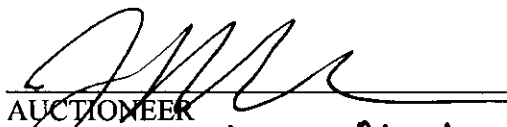
AMOUNT OF HIGHEST BID: \$ 70,330.21

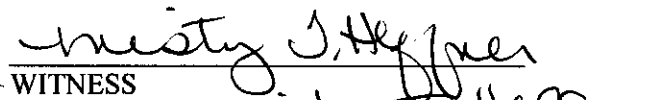
CONVEY TO: \_\_\_\_\_

PHONE: \_\_\_\_\_

The undersigned acknowledged having read the terms of the auctioneer's appointment and conditions of sale set forth above, and further acknowledge that all bids are subject to approval by the Trustee prior to conveyance, and the sale may be set aside by the Trustee and the funds tendered returned to the bidder, if these conditions are not satisfied.

WITNESS OUR SIGNATURES, on this 23 day of Feb, 2007.

  
 AUCTIONEER  
 Printed Name: Josh Marler

  
 WITNESS  
 Printed Name: Misty J. Heffner

Countrywide home loans  
 HIGHEST BIDDER  
 Printed Name: \_\_\_\_\_

WITNESS  
 Printed Name: \_\_\_\_\_

Current Borrower: PHILLIP L. SCHWARTZ AND PATRICIA G. SCHWARTZ  
 Client Loan Number: 1224052  
 B&H File Number: 240285  
 VA/FHA/PMI Number: 6672703fl  
 Loan Type: FHA  
 Property Address: 1542 Vicksburg Drive, Southaven, MS 38671

### Affidavit of Mortgagee

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority on this day personally appeared Amie Oppenheimer, who after being duly sworn, deposed as follows:

"1. I am an employee of Butler & Hosch, P.A., attorney for Countrywide Home Loans, Inc., as servicing agent for COUNTRYWIDE HOME LOANS, SERVICING LP at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.

2. This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated October 31, 1997, recorded in Volume 947, Page 683, Real Property Records, Desoto County, Mississippi, executed by Phillip L. Schwartz and Patricia G. Schwartz, husband and wife, to Brenda Jones, Trustee, to secure payment of a Note to Countrywide Home Loans, Inc.

3. COUNTRYWIDE HOME LOANS, SERVICING LP is the holder of the indebtedness secured by the Deed of Trust.

4. To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.

5. To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such sale.

6. At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.

7. At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is situated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinance or custom."

FURTHER AFFIANT SAYETH NAUGHT.

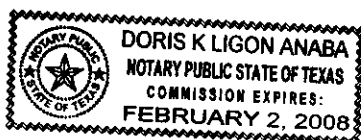
Amie Oppenheimer  
 AFFIANT

STATE OF TEXAS §  
 COUNTY OF DALLAS §

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Amie Oppenheimer, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 23 day of FEBRUARY, 2007

Doris K Ligon Anaba  
 Notary Public for the State of Texas



Printed Name of Notary Public  
 My Commission Expires: \_\_\_\_\_

# PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper \_\_\_\_\_ consecutive times, as follows, to-wit:

Volume No. 112 on the \_\_\_\_\_ day of 1-30, 2007

Volume No. 112 on the \_\_\_\_\_ day of 2-6, 2007

Volume No. 112 on the \_\_\_\_\_ day of 2-13, 2007

Volume No. 112 on the \_\_\_\_\_ day of 2-20, 2007

Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

Diane Smith

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2007

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2009  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

Trustee  
WITNESS MY SIGNATURE, this  
the 24th day of January, 2007.  
April L. Gremillion or Zachary A.  
Copp or James L. DeLoach  
Substitute Trustee  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
Telephone No.: (972) 233-2500  
PUBLISH: January 30, 2007.  
February 6, 2007, February 13,  
2007 and February 20, 2007

A. Single first insertion of 479 words @ .12 \$ 57.48

B. 3 subsequent insertions of 479 words @ .10 \$ 47.90

C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 204.18

NOW, THEREFORE, I, April L. Gremillion or Zachary A. Copp or James L. DeLoach, Substitute Trustee in said deed of trust, will on February 23, 2007, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) at the East front door of the County Courthouse at Desoto, County, State of Mississippi, the following described property situated in the County of Desoto, State of Mississippi, to-wit:

LOT 61, SECTION A, SOUTHAVEN SUBDIVISION, LOCATED IN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 8 WEST, A SHOWN ON PLAT OF SAID SUBDIVISION OF RECORD IN PLAT BOOK 2, PAGES 4-5, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT.

Also known as 1542 Vicksburg Drive, Southaven, MS 38671  
I WILL CONVEY only such title as is vested in me as Substitute

## SUBSTITUTE TRUSTEE'S NOTICE OF SALE

WHEREAS, on October 31, 1997, Phillip L. Schwartz and Patricia G. Schwartz, husband and wife executed a deed of trust to Brenda Jones, Trustee for the benefit of Countrywide Home Loans, Inc., which deed of trust is recorded in Deed of Trust Book 947 at Page 683 in the office of the Chancery Clerk of the County of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Countrywide Home Loans, Servicing LP, by instrument dated September 14, 2006, and recorded in Book 2568 at Page 164 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, COUNTRYWIDE HOME LOANS, SERVICING LP, the holder of said deed of trust and the note secured thereby, substituted April L. Gremillion or Zachary A. Copp or James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated November 6, 2006 and recorded in the office of the aforesaid Chancery Clerk in Book 2610 at Page 494; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, COUNTRYWIDE HOME LOANS, SERVICING LP, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;